

REMARKS

In response to the Office Action dated January 23, 2007, Applicant respectfully requests reconsideration based on the above claim amendments and the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

Upon entry of this response, claims 1-2, 4-5, 7-8, 10, 12-23, 25, 27-30, 33-34, 36, 38-40, 42-43, and 45-58 are pending in the application. In this response, claims 1, 7, 13, 22, 28, 34, and 39 have been amended.

1. Rejection of Claims 1-2, 4-5, 7-8, 10, 12-23, 25, 27-30, 33, 34, 36, 38-40, 42-43, and 45-46 under 35 U.S.C. §103

Claims 1-2, 4-5, 7-8, 10, 12-23, 25, 27-30, 33, 34, 36, 38-40, 42-43, and 45-46 have been rejected under §103(a) as allegedly obvious over *Klein* (5,479,411) in view of *Sit et al.* (6,349,336) and *Cooper et al.* (6,052,442) and *Seshadri* (6,249,808). Applicant respectfully traverses the rejection of claims 1-2, 4-5, 7-8, 10, 12-23, 25, 27-30, 33, 34, 36, 38-40, 42-43, and 45-46. It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly, all elements/features/steps of the claim at issue. See, e.g., *In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

a. Claims 1, 7, and 13

Applicant respectfully submits that claim 1 is allowable for at least the reason that the proposed combination does not disclose, teach, or suggest at least the feature of “a process to call a voicemail server corresponding to the subscriber and leave a voicemail message in a manner which refers to the new email message, the voicemail message containing the converted header information; and a process to automatically notify the subscriber of the voicemail message.” Claim 7 is allowable for at least the reason that the proposed combination does not disclose, teach, or suggest at least the feature of “leaving, by the email notification server, a voicemail message for the subscriber in a

manner which refers to the new email message and containing the header information; and automatically notifying the subscriber of the voicemail message". Claim 13 is allowable for at least the reason that the proposed combination does not disclose, teach, or suggest at least the feature of a "a second process...configured to, for each subscriber, leave a voicemail message in a manner which refers to a new email message and to automatically notify that subscriber of the voicemail message."

Sit et al. describes an e-mail system, but contains no discussion whatsoever of voicemail. *Cooper et al.* describes a voicemail system, but not "leav[ing] a voicemail message in a manner which refers to the new email message". *Seshadri* discloses a "message server 140 [that] retrieves the voice portion of the message from storage 136 and converts it to speech...the message server 130 transmits the voice portion to the wireless communication device 170", but this message server 140 is not a voicemail system. *Klein* discloses that:

[C]omputer 1002 examines an e-mail message received for that user to determine which segments thereof can be converted into a voice message via text-to-speech function and which segments thereof are not amenable to this conversion. The convertible segments are converted into a voice message, and the nonconvertible segments are converted into a fax message.
(Col. 4, lines 40-45.)

[C]omputer 1002 transfers the voice file 500 and fax file 510 of the integrated voice-and-fax message 600 over LAN 1001 to message system 1000...Controller 10 of system 1000 treats LAN 1001 as a caller and stores the message 600 in the manner shown in FIG. 2. Then, upon demand, controller 10 presents message 600 as an integrated voice-and-fax message to the recipient user, also in the manner shown in FIG. 2.
(Col. 6, lines 10-20.)

Even assuming, for the sake or argument, that the integrated voice-and-fax-message 100 is a voicemail, *Klein* describes that the user must specifically call into the message system 1000 in order to retrieve integrated voice-and-fax messages, and even to discover that a new integrated voice-and-fax message is available. Thus, the message system 1000 in *Klein* does not "automatically notify the subscriber of the voicemail message" as recited in claims 1 and 7. For the same reason, message

system 1000 does not correspond to a “second process further configured to...*automatically* notify that subscriber of the voicemail message” as recited in claim 13. *Seshadri* also describes that the user must specifically request the message server 130 to transmit the voice portion of the received message. Thus, the message server 130 in *Seshadri* does not “automatically notify the subscriber of the voicemail message in a manner which refers to the new email message” as recited in claims 1, 7, and 13. For the same reason, message server 130 does not correspond to a “second process further configured to...*automatically* notify that subscriber of the voicemail message in a manner which refers to the new email message.”

Thus, the proposed combination does not teach at least the above-described features recited in amended claims 1, 7, and 13, and the claims are not obvious under the proposed combination. Applicant respectfully requests that the rejection be withdrawn.

b. Claims 22, 28, 34, and 39

Applicant respectfully submit that claims 22 and 28 are each allowable for at least the reason that the proposed combination does not disclose, teach, or suggest at least the feature of “automatically notifying the subscriber of the new email message using the converted header information, wherein the email notification is separate from and in addition to sending the converted header information to the voicemail system.” Claim 34 is allowable for at least the reason that the proposed combination does not disclose, teach, or suggest at least the feature of “a process for automatically notifying the subscriber of the email message separate from and in addition to leaving the voicemail message”. Claim 39 is allowable for at least the reason that the proposed combination does not disclose, teach, or suggest at least the feature of “automatically notifying, by the email notification server, the subscriber of the new email message identified in response to the polling, wherein the email notification is separate from and in addition to sending the voicemail message”.

Sit et al. contains a general discussion of an e-mail system. However, even assuming, for the sake of argument, that *Sit et al.* describes notifying users of new email, *Sit et al.* does not disclose a notification of new email that is “separate from and

in addition to sending the converted header to the voicemail system". *Cooper et al.* describes a voicemail system rather than an email system. However, even assuming, for the sake of argument, that *Cooper et al.* describes notifying users of new email, *Cooper et al.* does not disclose a notification of new email that is "separate from and in addition to sending the converted header to the voicemail system". *Seshadri* discloses a "message server 140 [that] retrieves the voice portion of the message from storage 136 and converts it to speech...the message server 130 transmits the voice portion to the wireless communication device 170". However, even assuming that transmitting the voice portion of the message is a notification of new email, this notification is not "separate from and in addition to sending the converted header to the voicemail system". *Klein* discloses a message system that receives voice-and-fax message. However, even assuming, for the sake or argument, that the integrated voice-and-fax-message 100 is a notification of new email, this notification is not "separate from and in addition to sending the converted header to the voicemail system".

Thus, the proposed combination does not teach at least the above-described features recited in claims 22, 28, 34, and 39, and the claims are not obvious under the proposed combination. Applicant respectfully requests that the rejection be withdrawn.

c. Claims 4-5, 8, 10, 12, 14-21, 23, 25, 27, 29-30, 33, 36, 38, 40, 42-43, and 45-46

For at least the reasons discussed above, claims 1, 7, 13, 22, and 28 are allowable over the combined teachings of *Klein*, *Cooper et al.*, of *Sit et al.*, and *Seshadri*. Applicant respectfully submits that claims 4-5, 8, 10, 12, 14-21, 23, 25, 27, 29-30, 33, 36, 38, 40, 42-43, and 45-46 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicant respectfully requests that the rejection of claims 4-5, 8, 10, 12, 14-21, 23, 25, 27, 29-30, 33, 36, 38, 40, 42-43, and 45-46 be withdrawn.

CONCLUSION

Applicant respectfully requests that all outstanding objections and rejections be withdrawn and that this application and presently pending claims 1-2, 4-5, 7-8, 10, 12-23, 25, 27-30, 33-34, 36, 38-40, 42-43, and 45-58 be allowed to issue. Any statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions. If the Examiner has any questions or comments regarding Applicant's response, the Examiner is encouraged to telephone Applicant's undersigned counsel.

Respectfully submitted,

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